

## MORTON COUNTY OFFICE OF THE STATE'S ATTORNEY

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April 8, 2020

*Via Electronic Mail*

Special Agent Mark Nickel  
North Dakota Bureau of Criminal Investigation  
P.O. Box 1054  
Bismarck, ND 58502-1054

Re: Prudente Case Review  
Case No.: BCI20-00074

Allen Koppy  
State's Attorney  
210 2nd Ave. NW  
Mandan, ND 58554

Phone: 701-667-3350  
Fax: 701-667-3323

Dear Special Agent Nickel:

I am writing regarding the investigation into and surrounding the February 8, 2020 incident at 202 7<sup>th</sup> Avenue SW in Mandan, Morton County, North Dakota, involving the death of John Prudente, Jr. while in Mandan Police custody. After several reviews of the file and discussions with you regarding the ongoing investigation(s), it is the opinion of myself and this office that the death of Mr. Prudente was due, as the Report of Death and autopsy records indicate, to excited delirium as a result of Mr. Prudente's use of methamphetamine and underlying diagnoses. There was no evidence from the autopsy records of an excessive use of force in effectuating Mr. Prudente's arrest. Therefore, there will be no charges arising from this incident or investigation.

From the reports and my discussion with you, I understand the gravity of the circumstances for all involved parties. However, after a careful review of the reports, the autopsy records, comments and statutes implicated, no crime was committed by law enforcement officers. There will be no criminal charges forthcoming from this office.

Thank you for your investigation and follow-up in this matter. If you have any questions regarding anything contained in this letter, please feel free to contact me. I am forwarding a copy of this letter to Chief Jason Ziegler and Lt. Patrick Haug of the Mandan Police Department to inform them of the status of this investigation as well.

Regards,



Gabrielle J. Goter  
Assistant State's Attorney

CC: Chief Jason Ziegler, Mandan Police Department  
Lt. Patrick Haug, Mandan Police Department